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Your Ref: 99972814.0-1281

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**ADVANCE BY FACSIMILE  
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Dear Sirs,

**European Patent Application No. 99972814.0-1281**  
**Title: MESSAGING PLATFORM**  
**BRITISH TELECOMMUNICATIONS public limited company**  
**Communication pursuant to Article 96(2) and Rule 51(2) EPC**

With reference to your Communication dated 11th January 2005, we file herewith replacement pages 18 to 20 of claims to replace pages 18 to 20 currently on file, together with our response to the Examiner's report which is set out below.

Amended pages 1,2 and 2a of the description are also filed herewith.

EPO form 1037 is enclosed for recordal of receipt.

**In the Claims**

Claims 1 to 20 filed herewith replace claims 1 to 20 previously on file.

Claim 1 has been amended to find support more clearly from the description. It is clear from page 2, line 14, that *"the overload controller is on the control interface"*, from which it is implicit that the overload controller *"limits loading of the platform by signals arriving on said control interface"*. This is fully supported by the rest of the description of the invention on pages 2 and 4 as well as by the preceding statement that the invention addresses the problem of overloading the control interfaces of the platform. In addition, the limitation of the overload controller to include *"a store programmed with criteria for applying different classes of service to....control messages at the control interface..."* (see page 2, lines 17 to 20) and the following statement that *"The overload controller is arranged, in response to an overload condition of the platform....selectively to deny access [to the platform] to a control message..."* makes it quite clear that the way the platform is being overloaded is via the control interface and that the overload controller is limiting the load offered to the platform by signals arriving on the control interface.

Moreover, respectfully, the terminology "is on" as in "the overload controller is on the control interface" does not in this context imply a physical location (e.g., "x" is on (top of) "y" but that "x"

has some kind of influence on "y". Thus this phrase simply means that control is exercised on the control interface to prevent overloading. This control is achieved by limiting the load generated by control signals arriving via the control interface (which allows communication of control signals between the messaging platform and service providers/users). If the Examiner would like to discuss this for further clarification, he is invited to call the Applicant's representative on +44 207 356 8129.

Claim 2 is equivalent to claim 2 as originally filed.

Claim 3 is supported by the description on page 4, lines 28 to 32.

Claim 4 is dependent on claim 3, and is further supported by the description on page 5, lines 1 to 3.

Claim 5 is equivalent to claim 4 previously on file, and is supported by the description on page 4, lines 22 to 24.

Claim 6 is equivalent to claim 5 previously on file, and as amended is supported by the description on page 4, lines 32 to 35.

Claims 7 to 10 are equivalent to claims 3 to 6 as originally filed.

Claims 11 and 14 have been amended to find clearer support in the description, consistent with the arguments set forth for amended claim 1.

Claim 15 has been amended for clarity to read a dependent claim off claim 14 and is supported by original claim 11 and the description, for example, on page 2, line 22 and page 5, line 5.

The remaining claims are equivalent to claims originally filed.

## **Response**

### **Art. 52(1) Novelty**

D1, page 80, left-hand column, penultimate paragraph, lines 5 to 7, reads "...a message is in jeopardy, the message originator or the e-mail service provider may enter a trouble report to track the message. The purpose of tracking is to either locate the MTA ...".

Page 81, right hand column, of D1 describes a situation where a message transfer agent (MTA) experiences mild congestion (see line 14), before discussing how an MTA adjacent to another MTA experiencing mild congestion could know about the congestion problem of the other MTA. One solution offered is for the congested MTA to send a congestion notification to every MTA to which it is adjacent. Lines 29-31 cited by the Examiner refer to this approach, and state that "...to work, the message transfer protocol must support a congestion notification message type."

However, all that D1 is describing is the situation where an email gateway has become mildly congested, and in response to the problem D1 is considering (i.e, how to notify other MTAs), it is proposed that control messages are flooded out to adjacent MTAs. D1 does not describe limiting overload of the platform by limiting the number of control messages which have access to the platform. In particular, nothing in D1 describes an access controller functioning in combination with an overload controller to limit overloading by denying access to control messages arriving on the control interface of the e-mail gateway.

In contrast, the invention does not require control messages to be flooded out to adjacent platforms, it simply selectively restricts access to the congested platform of some of the control messages which are received over a control interface. For example, by configuring the access controller, the access controller and the overload controller function in combination to deny certain control messages access to the platform.

Thus the invention as claimed in amended claim 1 and the other independent claims is novel over D1.

Similarly, D3 describes a network provider using an intelligent network to congestion control system to control video mailboxes including bandwidth. However, no detail is given of how the control system could selectively deny control messages access to the platform. Accordingly, the invention as set out in claim 1 and the other independent claims is novel over D3.

#### Art. 56 EPC Inventive Step

The invention is distinguished from D1 in that the invention denies access to the platform (=email gateway) when the control messages received are determined by the overload controller to be causing about to cause an overload of the platform. The objective problem faced by a person skilled in the art who has read D1 is how to more effectively limit loading of a platform so that overloading is avoided. Respectfully, nothing in D1 would lead a person skilled in the art to realise that control messages should be selectively denied access to the email gateway to reduce congestion at the gateway.

D1 in fact teaches away from the invention in that it suggests that the congested MTA should not do anything (see issue 2, page 81, rhd col. lines 18 and 32 to 35). Instead, in D1, other MTA's are notified so they stop forwarding messages to the congested MTA. This is completely different to the solution proposed by the invention which propose the platform should itself limit loading by denying certain control messages access.

In D1 and D3, end users do not generate control messages which may cause overloading of the control interface. In the system of the invention, end users may access the platform and generate control messages in addition to the network provider. The invention is thus able to provide an effective control limiting the load on the platform by selectively denying certain control messages access to the platform.

As the remaining claims incorporate features dependent on claim 1 or equivalent features, the remaining claims are submitted to also possess an inventive step as required by Art. 52(1) EPC.

Claim 1 has been cast into two part form over D1.

The description has been amended on pages 1, 2 and 2a to conform with the amended claims.

The applicants consider the present application to be in order for allowance. However, if, despite the above arguments and amendments, the Examining Division is minded to refuse the present application, then the applicants hereby request Oral Proceedings before the issuance of a decision to that effect.

Yours faithfully,

**DR. COREENA LOFTING**  
**Authorised Representative GA 12168**

Encs:

Amended pages 1,2 and 2a of the description;

Amended pages 18 to 20 of claims 1 to 20.

EPO form 1037 for recordal of receipt.

CLAIMS

1. A messaging platform including:
  - a message store arranged to receive message data and to store said message data for subsequent retrieval, the platform being characterised by further comprising:
  - a control interface arranged to allow the communication of control signals between the messaging platform and a service provider; and
  - an overload controller provided on the control interface and responsive to an overload condition of the platform and arranged, in response to the said overload condition, to limit loading of the platform by signals arriving on said control interface.
2. A platform according to claim 1, wherein said control interface is arranged to receive control requests instructing transactions on the messaging platform, and wherein said overload controller includes means for denying at least some of the control requests in response to the overload condition.
3. A platform according to claim 1, further comprising:
  - an access controller arranged to receive data and control channels from one or more service providers and connected to said overload controller, wherein said overload controller limits loading of said platform by signals arriving on the control interface by functioning in combination with said access controller.
4. A platform as claimed in claim 3, wherein said overload controller functions in combination with said access controller to limit loading of said platform by signals arriving on the control interface by configuring the access controller to deny access to the platform of certain predetermined signals.
5. A platform according to any preceding claim, wherein said service provider comprises an end user.
6. A platform according to any one of claims 2 to 5, wherein said overload controller detects the rate of transactions between the access controller and a plurality of said service providers.

7. A platform according to any preceding claim, in which the overload controller is programmed with criteria for applying different classes of service to control requests received

at the control interface and the overload controller is arranged, in response to an overload condition on the platform, selectively to deny control requests depending on a class of service assigned in accordance with the said criteria to the control request.

8. A platform according to claim 7, in which the criteria apply a class of service selected depending on the identity of a service provider originating the said control requests

9. A platform according to claim 7 or 8 in which the criteria apply a class of service selected depending on the identity of a subscriber mailbox to which the control request applies

10. A platform according to any one of claims 7 to 8, in which the criteria apply different service classes depending on the transaction requested by the control request.

11. A messaging system comprising:  
a service platform running a messaging service application; and  
a messaging platform according to any one of the proceeding claims, wherein  
said control interface is arranged to connect said messaging platform to the service platform, and wherein said messaging platform is arranged to receive control requests from the service platform via said control interface.

12. A messaging system according to claim 11, in which the service platform is remote from the messaging platform.

13. A communications network including a messaging platform according to any one of claims 1 to 10, or a messaging system according to claim 11 or 12.

14. A method of operating a messaging platform according to any one of claims 1 to 10, the method including:

- a) storing message data on the messaging platform:
- b) subsequently outputting message data from the platform, thereby allowing retrieval of a corresponding message, the method being characterised by:

- c) detecting an overload condition of the messaging platform; and, in response to the overload condition,
- d) limiting loading of the messaging platform by signals arriving on the control interface.

15. A method according to claim 14, further comprising:

- e) receiving via the control interface of the message platform control requests instructing a transaction on the messaging platform, wherein the step of limiting loading of the platform includes denying at least some of the control requests received via the control interface access to the platform.

16. A method according to claim 15, further including the step of:

- applying different classes of service to the control requests; and, in response to the overload condition,
- selectively denying some only of the control requests depending on the class of service applied to the control requests.

17. A method according to claim 16, further including the step of:

- applying different classes of service to control requests depending on the identity of an originating service provider.

18. A method according to claim 16 or 17, further including the step of:

- applying different classes of service to control requests depending on identities of customer mailboxes to which the control requests apply.

19. A method according to any one of claims 16 to 18, further including the step of:

- applying different classes of service to control requests depending on the transaction requested by the control request.

20. A method according to claim 19, wherein the messaging platform includes:

- a plurality of mailboxes containing message data, each mailbox being switchable between an open state, in which message data may be written to or read from the mailbox, and a closed state, and in which the step of limiting loading includes allowing requests for the closing of a mailbox and denying requests for the opening of a mailbox.